REMARKS

This amendment responds to the December 4, 2006 Office Action.

With this Amendment, Applicants have amended claim 14 to recite "wherein said hierarchy of splits includes one or more parent splits spatially encompassed within said top split and each split in said hierarchy of splits, other than said top split and said one or more parent splits spatially encompassed within said top split, is spatially encompassed within a display defined by said parent split in said one or more parent splits." Support for this amendment to claim 14 is found on page 21, lines 12-13, ("[s]plits are inserted either into top split 416 or into a split that is within top split 416 in a hierarchical manner"), as well as Figure 4 (e.g., Figure 4D). Support for this amendment is also found on page 21, lines 26-27, as well as Figure 4G which teaches how splits 428 and 432 are spatially encompassed within parent split 424 and where parent split 424, in turn, is spatially encompassed within split top split 416 (see also, page 21, lines 11-15, of the specification and Figure 4D).

Furthermore, claim 14 now recites "a display module that displays a translation of the hierarchy of splits wherein each split in said hierarchy of splits, other than said top split, is spatially encompassed within another split within said hierarchy of splits." Support for the recitation of the display module is found in the above-cited passages as well as, for example, on page 16, line 26, through page 17, line 32, of the specification and steps 314 and 316 of Figure 3A.

Claim 14 has been further amended to recite "other than the top split." Support for this amendment is found on page 10, lines 6-7, of the specification.

Upon entry of the present amendments, claims 14-23 will remain pending in the above-identified application. No new matter has been added by way of the amendments to the claims. Entry of the foregoing amendments to the claims is respectfully requested.

In the December 4, 2006 Office Action, the Examiner:

- rejected claims 14-23 under 35 U.S.C. § 112, second paragraph, as being indefinite;
- rejected claims 14, and 16-19 under 35 U.S.C. § 102(b) as being anticipated by United States Patent Publication Number 2002/0120596 to Gershoff *et al.* (hereinafter "Gershoff");

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- rejected claim 15 under 35 U.S.C. § 103 as being unpatentable over Gershoff in view of United States Patent Publication Number 2003/0137539 to Dees (hereinafter "Dees");

- rejected claim 20 under 35 U.S.C. § 103 as being unpatentable over Gershoff in view of United States Patent Number 5,050,074 to Marca (hereinafter "Marca"); and

- rejected claims 21-23 under 35 U.S.C. § 103 as being unpatentable over Gershoff in view of United States Patent Publication 20010032254 A1 to Hawkins (hereinafter "Hawkins").

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STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Pursuant to M.P.E.P. § 713.04, Applicants submit the following statement of the substance of a telephonic interview held on January 30, 2007 between (i) Examiner Nathan Hillery, (ii) attorney for Applicants, Brett Lovejoy, and (iii) inventor Chris Furlong in connection with the above-identified application. For the purposes of discussion, Applicants faxed to Examiner Nathan Hillery a draft response outlining a response to each of the objections and rejections raised in the December 4, 2006 office action. The draft response is substantially the same as set forth in the instant paper.

During the Interview, the 35 U.S.C. § 112, second paragraph, rejection of claims 14-23 as being indefinite for recitation of the term "spatially" was discussed. Brett Lovejoy explained that the term "spatially" as used in the phrase "spatially encompassed within" in the claims is supported by the specification as discussed in response to the 35 U.S.C. § 112, second paragraph, rejection set forth below. Furthermore, the 35 U.S.C. § 102 rejection of claim 14 over Gershoff was discussed. The 35 U.S.C. § 102 arguments discussed during the Interview are as set forth in the response to the 35 U.S.C. § 102 rejection set forth below. Applicants thank the Examiner for the courtesies extended to Applicants during the call.

THE REJECTION OF CLAIMS 14-23 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH, SHOULD BE WITHDRAWN

The Examiner has rejected claims 14-23 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner has rejected claims 14-23 for reciting the term "spatially." The Examiner asserts that term "spatially" is a relative term

for which the metes and bounds are unclear. The Examiner further notes that the term is not defined by the specification. Applicants traverse the rejection.

Applicants believe that the metes and bounds of the term "spatially" as used in the rejected claims are clear. There is no requirement under the law that every word used in a claim be defined in the specification. To the contrary, claim language that does not appear in the specification may be used in the claims provided that one of skill in the art would reasonably be apprised of the scope of the invention. *Bancorp Servs., L.L.C. v. Hartford Life Ins. Co.,* 359 F.3d, 1367. One of skill in the art would know the metes and bounds of the term "spatially." To begin with, the term has a clear dictionary definition. The American Heritage College Dictionary, Third Edition, 1993, Houghton Mifflin Company, New York, defines the term "spatially" as the adverb of spatial, of, relating to, involving, or having the nature of space.

The metes and bounds of the term "spatially" is additionally understood in view of the numerous drawings in the specification, where it is seen how each split in the hierarchy of splits, other than the top split and the one or more parent splits spatially encompassed with the top split, is spatially encompassed within a display defined by the parent split. See, for example, Figure 4D where splits 422 and 424 are spatially encompassed within split 416. As illustrated in Figure 4, the term "spatially encompassed within" means that, when displayed, a child split is spatially encompassed within a parent split. The meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the contexts of the specification and drawings." See, *Toro Company v. White Consolidated Industries* 199 F.3d 1295, 1301 (Fed. Cir. 1999).

Furthermore, Applicants respectfully submit that the term "spatially", especially when used in the phrase "spatially encompassed within" recited in Applicants' claims, is not a relative term. Section 2173.05(b) of the Manual of Patent Examining Procedure, Eight Edition, Incorporating Revision No. 5 (M.P.E.P.) provides extensive examples of relative terminology. The term "spatially" is not included among these examples, nor should it be. Moreover, the term "spatially" is generally accepted as having well defined metes and bounds, as evidenced by the fact that the term is found in the claims of more than twelve thousand patents that have issued in the United States since 1976.

For the above-identified reasons, Applicants request that the 35 U.S.C. § 112, second paragraph, rejection of claims 14-23 be withdrawn.

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THE 35 U.S.C. § 102 REJECTION OF CLAIMS 14 AND 16-19 SHOULD BE WITHDRAWN

The Examiner has rejected claims 14 and 16-19 under 35 U.S.C. § 102(b) as being anticipated by Gershoff. Applicants traverse the rejection on the basis that Gershoff does not disclose a hierarchy of splits that includes one or more parent splits spatially encompassed within a top split where each split in the hierarchy of splits, other than the top split and the one or more parent splits, is spatially encompassed within a parent split in the one or more parent splits. Nor does Gershoff teach a display module that displays a translation of the hierarchy of splits wherein each split in the hierarchy of splits, other than the top split, is spatially encompassed within another split within the hierarchy of splits as set forth in Applicants' claim 1 as amended. Moreover, Gershoff does not disclose a type field that specifies whether the respective split is a data split and, when the respective split is not a data split, defines an orientation of the respective split spatially encompassed with the parent split of the respective split.

In the December 4, 2006 Office Action, the Examiner asserted that Figure 16 of Gershoff meets the limitations of "wherein each split in the hierarchy of splits is spatially encompassed within a display defined by said parent split" and "a display module that displays a translation of the hierarchy of splits." Applicants note that the conventional web page illustrated in Figure 16 of Gershoff does not disclose a hierarchy of splits that includes one or more parent splits spatially encompassed within the top split such that each split in the hierarchy of splits, other than the top split and the one or more parent splits inserted into the top split, is spatially encompassed within a parent split in the one or more parent splits as illustrated, for example, in Applicants' Figure 4G.

The abstract of Gershoff states that the invention provides a method of managing a plurality of related publications. Paragraph 14 of Gershoff states that "what is needed in the art is an improved system to maintain manuals for similar products that may have only small differences from one another." Such a system cannot possibly be equated to Applicants' hierarchy of splits in which each split in the hierarchy of splits is **spatially** encompassed within a display defined by the parent split.

Examining details of Gershoff provides even more differences between the claimed invention and Gershoff. For example, in Gershoff's manual table, the root procedure ID is a table of contents in which all of the other procedures are contained. Each procedure gets arranged one after the other in a linear fashion. In Applicants'

claimed layout table, the top split represents the boundaries of a visual presentation. That is, the height and width columns for the top split determine the outer dimensions of the presentation.

Gershoff teaches the notion of nested procedures in a sequential manner. For example, in Gershoff, the root procedure is the table of contents, its children are Chapter 1, Chapter 2, Chapter 3 *etc...* Nested in each of these children are grandchild procedures. "Chapter 1" for instance could contain procedures such as "Plugging in Your Washer," "Understanding the Washer Controls," *etc...* This is a sequential ordering of information designed to organize information in the manner expected in a help manual. Gershoff's nested procedures facilitate reuse of such procedures across manuals for similar products. If, for instance, the "Washamatic 2000" and "Washamatic 2001" share the same installation instructions, then the procedure holding those installation instructions can be inserted into both manuals as a child procedure. Gershoff's content table simply nests one procedure inside another. While this creates a parent child relationship, that relationship does not have **spatial** dimensions. That is, Gershoff does not teach that one procedure is **spatially** encompassed by another procedure. Furthermore, the type field on Gershoff's content table is a lookup value used to indicate which table the ID_Content value should be joined to, and does not contain any spatial properties.

Claim 14 is patentable over Gershoff for the additional reason that Gershoff does not disclose a type field that specifies whether the respective split is a data split and, when the respective split is not a data split, defines an orientation of the respective split spatially encompassed with the parent split of the respective split. On page 4 of the December 4, 2006 Office Action, the Examiner equates the content table (Figure 9) of Gershoff to Applicants' layout table, stating that the Gershoff "content" is equal to Applicants' claimed split and the Gershoff "procedure" is equal to Applicants' claimed "not data split." In essence, the Examiner is equating two different things, Gershoff's "content" and Gershoff's "procedure", to Applicants' type field. As clearly claimed and as set forth on page 10, lines 15-17, of the specification, Applicants' type field determines whether a given spit is directional with respect to the parent split (*e.g.*, horizontal or vertical) or if the split is a data split. Thus, in Applicants' invention, the property of a split being directional and the property of the split being a data split are **mutually exclusive**. That is, as specified by the type field, the split is either directional or the split

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is a data split. This mutual exclusivity is an inherent limitation of Applicants' claim 14. There is no mutual exclusivity between Gershoff's "content" and Gershoff's "procedure". Therefore, Gershoff does not disclose Applicants' claimed type field.

Claims 16-19 ultimately depend from claim 14 and are patentable over Gershoff for the same reasons that claim 14 is patentable over Gershoff. For the above-identified reasons, Applicants request that the 35 U.S.C. § 102(b) rejection of claims 14 and 16-19 be withdrawn.

THE 35 U.S.C. § 103 REJECTION OF CLAIM 15 SHOULD BE WITHDRAWN

The Examiner has rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Gershoff in view of Dees. Applicants traverse the rejection. In the claimed invention, splits are **spatially** encompassed within a display defined by a parent split. Gershoff does not teach this feature. As discussed above, Gershoff uses hierarchical nesting to place child procedures inside parent procedures. Dees, which is directed to a method of styling a user interface and a device with adaptive user interface, does not remedy the deficiencies in Gershoff. Accordingly, Applicants request that the 35 U.S.C. § 103 rejection of claim 15 be withdrawn.

THE 35 U.S.C. § 103 REJECTION OF CLAIM 20 SHOULD BE WITHDRAWN

The Examiner has rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Gershoff in view of Marca. Applicants traverse the rejection. In the claimed invention, splits are **spatially** encompassed within a display defined by a parent split. Gershoff does not teach this feature. Marca, which is directed to a system for facilitating coordination of activities by a plurality of actors with an object database, does not remedy the deficiencies in Gershoff. Accordingly, Applicants request that the 35 U.S.C. § 103 rejection of claim 20 be withdrawn.

THE 35 U.S.C. § 103 REJECTION OF CLAIMS 21-23 SHOULD BE WITHDRAWN

The Examiner has rejected claims 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Gershoff in view of Hawkins. Applicants traverse the rejection. In the claimed invention, splits are **spatially** encompassed within a display defined by a parent split. Gershoff does not teach this feature. Hawkins, which is directed to a method and
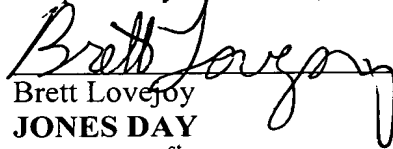
apparatus for wireless internet access, does not remedy the deficiencies in Gershoff. Accordingly, Applicants request that the 35 U.S.C. § 103 rejection of claims 21-23 be withdrawn.

CONCLUSION

Applicants respectfully request that the above-mentioned remarks be made of record in the instant application. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

Date: _____January 30, 2007_____

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